

IN THE COURT OF COMMON PLEAS, SUMMIT COUNTY, OHIO

CASE NUMBER: CV-2022-03-0940

NED SPRAGLING
1800 West Waterford Court, Apt. 1312
Akron, OH, 44313

-VS-

SUMMONS

7-ELEVEN INC
a Texas Corporation
P.O. Box 711
Dallas, TX 75221

TO the following:

7-ELEVEN INC
a Texas Corporation
P.O. Box 711
Dallas, TX 75221

You have been named as a defendant(s) in a complaint filed in the Summit County Court of Common Pleas, Summit County Courthouse, 205 S. High St., Akron, Ohio, 44308.

A copy of the COMPLAINT is attached hereto. The name and address of the Plaintiff's attorney is:

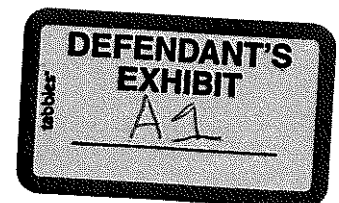
ROBERT C. MEEKER
495 Portage Lakes Drive
Akron, OH 44319

You are hereby summoned and required to serve upon the attorney listed above, or upon the party if they have no attorney of record, a copy of an answer to the COMPLAINT within twenty-eight (28) days after service of this summon on you, exclusive of the day of service. Your answer must be filed with the Court within three days after the service of a copy of the answer on the attorney, or upon the party, if there is no attorney of record.

If you fail to appear and defend, judgment may be rendered against you for the relief demanded in the COMPLAINT.

Sandra Kurt
Summit County Clerk of Courts

March 25, 2022



IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY
STATE OF OHIO

NED SPRAGLING
1800 West Waterford Court, Apt. 1312
Akron, Ohio 44313,

and

DAWN SPRAGLING
1800 West Waterford Court, Apt. 1312
Akron, Ohio 44313,

Plaintiffs,

-vs.-

7-ELEVEN, INC.,
a Texas corporation,
P. O. Box 711,
Dallas, Texas 75221-0711,

and

UNKNOWN OWNER/MANAGER/
FRANCHISEE
c/o 7-Eleven
1614 Merriman Road
Akron, Ohio 44313,

and

JOHN DOES 1-10, JANE DOES 1-10,
DOE PARTNERSHIPS 1-10, DOE
CORPORATIONS 1-10, DOE
GOVERNMENTAL AGENCIES 1-10 and
DOE ENTITIES 1-10,

Defendants.

Case No. _____

Judge: _____

COMPLAINT:

1. Negligence
(Premises Liability)
2. Loss of Consortium

JURY DEMAND ENDORSED HEREON



BLAKEMORE, MEEKER &
BOWLER CO., L.P.A.
ATTORNEYS AT LAW
19 NORTH HIGH STREET
AKRON, OHIO 44308
TEL: (330) 253-3337
FAX: (330) 253-4131

Now come, NED SPRAGLING and DAWN SPRAGLING, Plaintiffs herein, by and through their attorney, Robert C. Meeker, of Blakemore, Meeker & Bowler Co., L.P.A., and hereby complain against 7-ELEVEN, INC., a Texas corporation, UNKNOWN OWNER/MANAGER/FRANCHISEE, JOHN DOES 1-10, JANE DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10, DOE GOVERNMENTAL AGENCIES 1-10 AND DOE ENTITIES 1-10, collectively as Defendants herein, as follows:

A. PARTIES

1. During all relevant times herein, Plaintiffs were, and are, residents of Summit County, Ohio, whose address is 1800 West Waterford Court, Apt. 1312, Akron, Ohio 44313.

2. During all relevant times herein, Defendant 7-ELEVEN, INC. ("7-Eleven") was, and is, a Texas corporation, for profit, was, and is which owned, maintained, managed, operated and/or a franchisor of a chain of convenient stores, including a 7-Eleven store, located in Summit County, Ohio, at 1614 Merriman Road, Akron, Ohio 44313.

3. During all relevant times herein, Defendant UNKNOWN OWNER/MANAGER/FRANCHISEE ("Franchisee") was, and is, a resident of Summit County, Ohio, who owned, maintained, managed, operated and/or a franchisee of a 7-Eleven convenient store, located in Summit County, Ohio, at 1614 Merriman Road, Akron, Ohio 44313 ("Store").

4. During all relevant times herein, Defendant Does were, and are, individuals, persons, corporations, partnerships, governmental agencies and entities whose names, identities, capacities, activities and/or responsibilities are presently unknown to Plaintiff(s), or his/her/its/their attorney(s), and could not discover said names and/or their respective address and who in some manner may be liable to Plaintiff(s), contractually, vicariously, tortiously, jointly and/or severally. Plaintiff(s) will



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be obtaining updated reports, as to identity, liability, existence of additional claims and/or causes of action or otherwise, in connection with or in addition to the claim or claims herein. Plaintiff(s) reserve(s) the right to plead Defendant Does as party defendant(s) and/or plead additional claim(s) to this action once their identities, capacities, activities, liabilities and claims or causes of action become known.

B. PRELIMINARY STATEMENT

5. Plaintiff(s) repeat(s) and re-aver(s) the allegations contained in the preceding paragraphs, as appropriate, as if fully set forth herein.

6. During all relevant times herein, all transactions and occurrences described in this complaint occurred, in whole or in part, in Summit County, Ohio.

7. On or about March 31, 2020, Defendants, including Defendant 7-Eleven, owned, maintained, operated, managed and/or had an interest in, such as a franchisor, the Store.

8. On or about March 31, 2020, Defendants, including Defendant 7-Eleven, owned, maintained, operated, managed and/or had an interest in, such as a franchisee, the Store.

9. On or about March 31, 2020, Plaintiffs, as business invitees, went to the Store to purchase an item.

10. Upon their arrival, Mrs. Spragling went into the Store first; while Mrs. Spragling was in the store, Mr. Spragling also went into the Store to purchase a drink.

11. Upon entering the Store, Mr. Spragling walked along the counter, which was located on the right hand side.

12. As he walked, approximately seven steps later, Mr. Spragling tripped and/or slipped and fell on what he later learned was a broken floor tile, located in front of the counter, which was



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BOWLER CO., L.P.A.
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not open and/or obvious to him.

13. As he walked in the store, before tripping and falling, a 7-Eleven employee was working near the area where Mr. Spragling fell; said employee saw Mr. Spragling fall to the floor.

14. As a result of the fall, Mr. Spragling suffered substantial bodily injuries, including, but not limited to, sprained lumbar back and left knee torn meniscus and pain and suffering.

C. CAUSES OF ACTION

Count One

[Negligence (Premises Liability)]

15. Plaintiff(s) repeat(s) and re-aver(s) the allegations contained in the preceding paragraphs, as appropriate, as if fully set forth herein.

16. Defendants, including Defendant 7-Eleven and Defendant Franchisee, had a legal duty of ordinary care to maintain the premises safe for their business invitees, including Mr. Spragling, and keep them safe from harm.

17. To perform their legal duty to keep Mr. Spragling safe, Defendants 7-Eleven and Franchisee were required to maintain their premises free of dangerous conditions, such as broken floor tiles that may result in slips and/or trips and falls, as customers walk within and about the Store.

18. Prior to Mr. Spragling's fall, Defendants 7-Eleven and Franchisee knew, or should have known, the presence of a broken floor tile that was located in front of the counter, as it has been in that condition for a sufficient length of time, about said Defendants should have known.

19. Further, Defendants 7-Eleven and Franchisee knew, or should have known, the presence of a broken floor tile that was located in front of the counter, as one of their employees was discharging her employment duties near the area where Mr. Spragling fell, and said employee did



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see Mr. Spragling fall to the floor.

20. The broken floor tile was a dangerous condition, about which Defendants 7-Eleven and Franchisee knew, or should have known.

21. Defendants 7-Eleven and Franchisee breached their duty of ordinary care by permitting a dangerous condition on their floor, to wit: the broken floor tile, to exist in a high foot traffic area of the Store.

22. As consequence of the breach, Mr. Spragling slipped and/or tripped and fell, resulting in substantial bodily injuries and pain and suffering.

23. Defendants knew or should have known that their acts and omissions would, and, in this case, did, directly and proximately cause substantial bodily injuries and pain and suffering to Mr. Spragling.

24. As a result, Mr. Spragling suffered, and continues to suffer, damages in excess of \$25,000.00, the true amount of which shall be proven in court.

Count Two

[Loss of Consortium; Expenses and Other Losses]

25. Plaintiff(s) repeat(s) and re-aver(s) the allegations contained in the preceding paragraphs, as appropriate, as if fully set forth herein.

26. During all relevant times herein, Plaintiffs were lawfully married as husband and wife.

27. During all relevant times herein, prior to Mr. Spragling sustaining injuries, Plaintiff Mrs. Spragling enjoyed the care, love, affection, society, services, companionship and compassion of Mr. Spragling.

28. As a direct and proximate cause of the acts and omissions of Defendants, including



BLAKEMORE, MEEKER &
BOWLER CO., L.P.A.
ATTORNEYS AT LAW
18 NORTH HIGH STREET
AKRON, OHIO 44308
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FAX: (330) 253-4131

Defendants 7-Eleven and Franchisee, such acts and omissions causing severe physical injuries and pain and suffering to Mr. Spragling, Mrs. Spragling no longer enjoys the same care, love, affection, society, services, companionship and compassion of Mr. Spragling as she had enjoyed prior to his fall.

29. As a further direct and proximate cause of the acts and omissions of Defendants, Mrs. Spragling incurred expenses and suffered other losses.

30. As a result of said acts and omissions, Mrs. Spragling suffered damages in excess of \$25,000.00, the true amount of which shall be proven in court.

WHEREFORE, Plaintiffs pray for judgment against Defendants, including Defendant 7-Eleven, as follows:

1. That, as to Count One, the Court grants in favor of Mr. Spragling against Defendants, in excess of \$25,000.00, as to each Defendant;

2. That, as to Count Two, the Court grants in favor of Mrs. Spragling against Defendants, in excess of \$25,000.00, as to each Defendant;

3. That the Court grants damages and relief in favor of Plaintiffs against Defendants for Plaintiffs' costs and expenses incurred, including, but not limited to, court costs, reasonable attorney fees, interest and other losses;

4. That the Court finds Defendants jointly and severally liable to Plaintiffs for their injuries and damages; and

5. That the Court grants further relief and damages in favor of Plaintiffs against Defendants, jointly and severally, as the Court deems reasonable and proper in the premises.

Dated: Akron, Ohio, March 24, 2022.



BLAKEMORE, MEEKER &
BOWLER CO., L.P.A.
ATTORNEYS AT LAW
19 NORTH HIGH STREET
AKRON, OHIO 44308
TEL: (330) 253-3337
FAX: (330) 253-4131

Respectfully submitted,



ROBERT C. MEEKER (#0013019)
Blakemore, Meeker & Bowler Co., L.P.A.
19 North High Street
Akron, Ohio 44308
330-253-3337 [voice]
330-253-4131 [facsimile]

Attorney for Plaintiffs
NED SPRAGLING and
DAWN SPRAGLING



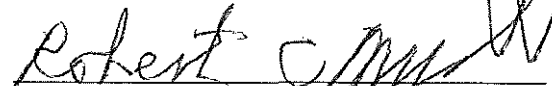
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JURY DEMAND ENDORSED HEREON

Now come(s), Plaintiff(s), by and through his/her/its/their attorney, Robert C. Meeker, of Blakemore, Meeker and Bowler Co., L.P.A., and hereby demand a trial by jury of all facts and issues so triable in this action.

Dated: Akron, Ohio, March 24, 2022

Respectfully submitted,



ROBERT C. MEEKER (#0013019)

Blakemore, Meeker & Bowler Co., L.P.A.

19 North High Street

Akron, Ohio 44308

330-253-3337 [Voice]

330-253-4131 [Facsimile]

Attorney for Plaintiffs
NED SPRAGLING and
DAWN SPRAGLING



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BOWLER Co., L.P.A.
ATTORNEYS AT LAW
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